THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15541 of 2007

Dated:23.07.2007

Between:

Telugu Kurumurthy, S/o.Ratnaiah,
and others.

…Petitioners

and

The Revenue Divisional Officer, Wanaparthy,
Mahabubnagar District,
and others.

…Respondents

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ORDER:

The petitioners obtained Occupancy Rights Certificate (ORC) under the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (for short 'the Act'), in respect of the land admeasuring Ac.0.36 guntas comprised in Survey Nos.302/A1, 302/UU1, 302/RU1, and Ac.0.35½ guntas in Survey Nos.302/A1, 302/UU1, 302/RU1 situated at Nagavaram Village of Wanaparthy Mandal in Mahabubnagar District. The fourth respondent is a rival claimant. Aggrieved by the ORC issued in favour of the petitioners, the fourth respondent filed an appeal under Section 24 of the Act before the Joint Collector, second respondent herein. The same is pending. In the meanwhile, the fourth respondent herein appears to have moved the Inams Tribunal (first respondent) again for issuance of ORC in respect of the land admeasuring Ac.1.16 guntas in Survey No.302/A and Ac.0.14 guntas in Survey No.302/E. The same was taken on file and the notice bearing Lr.No.B/509/2006, dated 06.03.2007, was issued to the petitioners requiring them to appear before the first respondent. The petitioners then submitted representation/explanation before the first respondent, *inter alia*, contending that the ORC was already issued in respect of the land, and that land being the same, another application for ORC at the instance of the fourth respondent cannot be entertained. The Revenue Divisional Officer is yet to pass orders. Apprehending that the fourth respondent might be issued another ORC

for the same land for which ORC was already issued to the petitioners on 09.12.2006, the present Writ Petition is filed assailing the notice issued by the first respondent.

Learned Counsel for the petitioners submits that aggrieved by the ORC bearing No.B/1438/2006, dated 09.12.2006, the fourth respondent has already filed an appeal in Case No.F2/02/2007, which is pending. The subject matter of the earlier ORC as well as the pending appeal is the same land, and therefore, the first respondent could not have entertained another application for ORC at the instance of the fourth respondent. Learned Assistant Government Pleader for Revenue (General-T) points out that the enquiry before the Revenue Divisional Officer pursuant to the impugned notice as well as the appeal before the Joint Collector filed against the ORC dated 09.12.2006 are pending, and therefore, the petitioners can raise all the objections before these authorities.

Admittedly, the petitioners submitted a representation to the first respondent after receiving the impugned notice of the Revenue Divisional Officer, who is yet to pass orders. The appeal filed by the fourth respondent is also pending. In this background this Writ Petition is misconceived. The Revenue Divisional officer should necessarily pass orders, immediately, considering the preliminary objections raised by the petitioners that another application, for the same land, by the fourth respondent would not lie. It shall also be open to the petitioners to approach the appellate authority and file an appropriate application for stay of the proceedings of the first respondent pursuant to the impugned notice bearing Lr.No.B/509/2006, dated 06.03.2007.

The Writ Petition is, therefore, disposed of observing that the first respondent should immediately pass orders considering the representation of the petitioners within a period of three weeks from the date of receipt of a copy of this order. No costs.

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(V.V.S.RAO, J)

23.07.2007

Note: Issue C.C in three days.

B/o.

vs